



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,306	02/21/2002	Steven Callahan	2275/2	1153

7590 10/20/2003

Adams, Schwartz & Evans, P.A.
2180 Two First Union Center
Charlotte, NC 28282

EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,306

Applicant(s)

CALLAHAN, STEVEN

Examiner

Ajay Vasudeva

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22, 24, 25 and 28-37 is/are rejected.
- 7) ☒ Claim(s) 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit:

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The gasket system comprising **an endless loop gasket** (emphasis added), as set forth in claims 27 and 36.

No new matter may be added.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s).

The gasket system comprising **an endless loop gasket** (emphasis added), as set forth in claims 27 and 36.

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit:

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20, and 28-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) In claim 20 (line 2), use of “the mating edges” (emphasis added) is indefinite as it lacks proper antecedent basis in the claim.

(B) In claim 20 (line 2), use of “the bow section, stern section” (emphasis added) is indefinite as it lacks proper antecedent basis in the claim. Further, it is not clear if such are same or different from the bow and stern elements set forth in the preceding claim 19.

(C) In claim 28 (line 9), use of “the rigid joint” (emphasis added) is indefinite as it lacks proper antecedent basis in the claim. It is not clear if such “rigid joint” has been used to mean the “rigid hinge element” or the “centrally-disposed joint” set forth earlier in the same claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-22, 24, 25, 28-31, 33, 34 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Trautwein.

Trautwein shows a folding rigid-bottom boat (figures 3 and 7), generally as claimed, having a hull [12] (see figure 3) comprised of complementary rigid bow and rigid stern elements [1, 2], and transversely-extending bulkhead elements [18]. Hinges [3] are provided for pivotally connecting the bulkhead elements together for permitting the bow and stern sections to be folded onto themselves into a storage configuration and away from each other into an unfolded use configuration. Waterproofing gasket means [20] are provided that are carried by the bow and stern sections, and are unconnected to and independent of the hinges. The mating bulkhead sections are joined together to form a centrally-disposed joint defining a single bulkhead extending along the joint. Flexible topsides comprising inflatable tubes [30] are secured to the hull for providing a freeboard extending upwardly from the hull and for providing rigidity to the hull when the boat is in the unfolded use configuration. A membrane [7, 10] extending at least along the mating edges is affixed to the bow and stern elements and adjacent topsides (see figure 8 and figure 10) to form a watertight compartment within the boat.

Art Unit:

7. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Edwards.

Edwards shows a folding rigid-bottom boat (figures 3 and 7), generally as claimed, having a hull [16, 17] (see figures 1 and 2) comprised of complementary rigid bow and rigid stern elements, and rigid hinge element [18] in a vertically spaced apart relationship to the boat bottom provided for pivotally connecting the bow and stern sections. Flexible topsides comprising inflatable tubes [10] are secured to the hull for providing a freeboard extending upwardly from the hull and for providing rigidity to the hull when the boat is in the unfolded use configuration.

Allowable Subject Matter

8. Claims 23, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 32, 35 and 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit:

Response to Arguments

10. Applicant's arguments with respect to claims 19-22, 24, 25, 28-31, 33, 34 and 37 have been considered but are moot in view of the new ground(s) of rejection.

11. For the record, applicant is reminded that the features upon which applicant's arguments rely must have been recited in the rejected claim(s) or must be included in the amended claims. Although some ideas in the applicant's arguments are persuasive, it is noted that the amended claims have failed to incorporate many limitations that serve as basis of such arguments against the rejections.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Covington shows flexible topsides [72] that can be used with a folding boat.

Murphree shows flexible topsides [38] secured to the hull for providing a freeboard extending upwardly from the hull. Due to its weight, the flexible topsides would provide some rigidity to the hull when the boat is in the unfolded use configuration.

Rough, Levinson. SU ('568), and IT ('940) show folding boats with waterproofing means.

Art Unit:


13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

a shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992.

AV

October 14, 2003


S. JOSEPH MORANO
SUPERVISOR
TELEPHONE 306-5992